

STATE OF INDIANA  
COUNTY OF LAPORTE

IN LAPORTE SUPERIOR COURT 3  
LAPORTE, INDIANA

VANCE GENE BRIDGMAN,  
Plaintiff,

v.

PEN PRODUCT INDUSTRIES,  
DEPARTMENT OF CORRECTIONS,  
Defendants.

SEP 24 2009

CLERK OF LAP

Cause No. 46D03-0909-SC-2447

**DETERMINATION THAT CLAIM SHALL NOT PROCEED  
AND DISMISSAL**

This cause of action came before the court for review pursuant to Indiana Code 34-58-1-2 and the court having examined the Notice of Claim and various documents filed by the plaintiff and the court being duly advised in the premises, now issues and files its findings and conclusions of law:

1. This court has subject matter jurisdiction over that general class of proceedings to which this cause of action belongs.
2. Review was conducted without hearing based on the documents filed by Plaintiff
3. The notice of claim and accompanying documents reveal that plaintiff Vance Bridgemon is incarcerated in the Indiana Department of Correction [D.O.C. #168076] and is, at present, housed at the Westville Correctional Facility. While at that facility he was employed by PEN products, a private sector employer engaged by the Indiana Department of Correction that employs offenders

4. Mr. Bridgemon was employed by PEN products from April 14, 2008 to March 10, 2009, apparently as a sewing machine operator; his employment was terminated due to general company layoffs.

5. Any offender who is employed by PEN Products must sign a document entitled "PS/PIE Worker Agreement" before he or she commences her employment, as stated on the face of that document as filed by Mr. Bridgemon.

6. That "Voluntary Work Agreement" provides, *inter alia*, that the offender agrees to certain deductions and distributions from his or her wages and that the offender acknowledges "that PS/Pie wages will be paid ONLY for hours worked in the PS/PIE program. The stated deductions from wages include but are not limited federal, state, and local income taxes, as well as social security, room and board expenses at 40% of gross income and 10% of gross income to Indiana's violent crime victim's compensation fund. A copy of that document is incorporated herein as Court's Exhibit A.

7. Mr. Bridgemon's Notice of Claim seeks compensation in the sum of \$1,538.93 plus vacation pay. The sum certain stated is based on Mr. Bridgemon's objection to the payment of 40% of his gross income toward his room and board because he is, per the agreement, already a state and federal taxpayer and therefore contributing to the financial costs of operation of the Indiana Department of Corrections. His documents also reflect discontent with the deduction for the violent crimes compensation

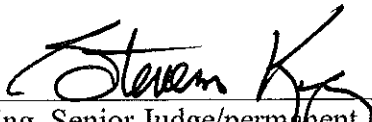
Fund, albeit his claimed mount of \$1538.93 is identical to the amount of his room and board deductions, thereby indicating his claim here does not include a claim for reimbursement of the \$384.74 which was deducted from his wages and distributed to the victim's compensation.

8. Regardless of whether that claim was included here, Mr. Bridgemon's claim lacks no basis in law or fact. As an employee-offender of PEN Products, he agreed contractually to the terms of employment described herein and could not unilaterally opt out of the described deductions. Likewise, the agreement clearly indicated that compensation would only be for actual hours worked, thereby defeating his claim for "vacation" pay, an assertion patently frivolous given Mr. Bridgemon's incarceration in the Department of Correction.

9. This claim should be dismissed.

WHEREFORE, IT IS ORDERED AND ADJUDGED that this cause of action be, and it is hereby dismissed, with prejudice.

So ordered this 24<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_  
Steven King, Senior Judge/permanent Pro Tempore  
LAPORTE SUPERIOR COURT 3

Distribution per next page:

**Distribution to:**

Vance Gene Bridgemon, #168076  
Location 0-2 West  
Westville Correctional Facility  
5501 West 1100 South  
Westville, Indiana 46391

Superintendent  
Westville Correctional Facility  
5501 West 1100 South  
Westville, Indiana 46391

Pen Products-Industries  
6015 Guion Road  
Indianapolis, Indiana 46254

Attorney General of Indiana  
5<sup>th</sup> Floor Government Center-South  
302 West Washington Street  
Indianapolis, Indiana 46204-2770

**CERTIFICATE OF MAILING**

The undersigned certifies that a copy of the foregoing Determination that Claim Shall not Proceed and Dismissal was deposited in the United States Mail, postage prepaid, and addressed to the individuals listed on the above distribution list on this 25 day of September, 2009.



LaPorte Superior Court No. 3